UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,704	12/27/2001	Troy Raymond Pesola	2001-066-NSC	1507

7590 07/30/2004	EXAMINER
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ART UNIT	PAPER NUMBER
2684	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	**Applicant(s)**
Office Action Summary	10/034,704	PESOLA, TROY RAYMOND
	Examiner	**Art Unit**
	Angelica M. Perez	2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*27 December 2001*</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2.   Claims 1-8, 10 and 12 is rejected under 35 U.S.C. 102(e) as being anticipated by

Erekson (Erekson, Rich; US Patent No.: 6,622,018 B1).

Regarding claim 1, Erekson teaches of a method for synchronizing managed

data stored by at least first and second computing devices (column 1, lines 6-11), the

method comprising: establishing a communication link between the first and second

computing devices (column 4, lines 42-53; where a first and second computing devices

can be two PC's or other devices with computing capabilities); automatically identifying

the managed data stored on the first computing device for synchronization (column 10,

lines 48-52; e.g., "characteristics and capabilities"); automatically transferring

synchronization information associated with the managed data stored on the first

computing device to the second computing device over the communication link (column

5, lines 15-20; where automatic synchronization is done in Bluetooth); reconciling

differences in the managed data stored on the first and second computing devices

based on the synchronization information to generate reconciliation information (column

7, lines 53-60; e.g., "link mode negotiation and setup"); and transferring the

reconciliation information from the second computing device to the first computing

device to synchronize the managed data (column 7 and 8, lines 64-67 and 1-3,

respectively; where the transceiver transfers the reconciliation information).

Regarding claim 2, Erekson teaches all the limitations of claim 1. Erekson further

teaches where the step of establishing a communication link comprises establishing a

wireless communication link (column 1, lines 6-7).

Regarding claim 3, Erekson teaches all the limitations of claim 2. Erekson further

teaches where the step of establishing a wireless communication link comprises

automatically establishing a wireless communication link based on proximity of the first

and second computing devices (column 4, lines 54-62; where proximity is an important

feature of Bluetooth technology).

Regarding claim 4, Erekson teaches all the limitations of claim 2. Erekson further

teaches where the wireless communication link is a radio frequency communication link

(column 4, lines 47-49; "short-range radio links").

Regarding claim 5, Erekson teaches all the limitations of claim 1. Erekson further teaches where the step of establishing a communication link comprises exchanging authentication information (column 7, line 60).

Regarding claim 6, Erekson teaches all the limitations of claim 5. Erekson further teaches where the authentication information includes information that uniquely identifies the first computing device (column 7, line 60; where it is inherent in the authentication process to uniquely identify the device in question).

Regarding claim 7, Erekson teaches all the limitations of claim 6. Erekson further teaches where the authentication information includes a MAC address associated with a network interface card of the first computing device (column 8, lines 44-50).

Regarding claim 8, Erekson teaches all the limitations of claim 5. Erekson further teaches where the authentication information includes information that uniquely identifies a user of the first computing device (column 7, line 60).

Regarding claim 10, Erekson teaches of a method for synchronizing managed data stored on a mobile computing device and a stationary computing device (column 1, lines 6-11; column 5 lines 24-30; e.g., "desktop computers" being "stationary computing devices"), the method comprising: automatically establishing a wireless communication link between the computing devices when the mobile computing device is within a predetermined proximity of the stationary computing device (column 4, lines 54-62; where proximity is an important feature of Bluetooth technology); automatically identifying the managed data for synchronization based on authentication of at least one of the mobile computing device and an associated user (column 7, line 60); and

automatically exchanging synchronization information between the mobile and

stationary computing devices such that the managed data stored on the mobile

computing device matches the managed data stored on the stationary computing device

(column 10, lines 48-52; column 5, lines 15-20; where automatic synchronization is

done in Bluetooth and column 7, lines 53-60; e.g., "link mode negotiation and setup").

Regarding claim 12, Erekson teaches all the limitations of claim 10. Erekson

further teaches where the step of automatically identifying the managed data comprises

authenticating the mobile computing device based on a hardware address (column 8,

lines 44-50; where the MAC address is a hardware address).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Erekson (Erekson, Rich; US Patent No.: 6,622,018 B1) in view of Schaefer (Schaefer,

Donald E.; US Patent No.: 6,640,253 B2).

Regarding claims 9 and 11, Erekson teaches all the limitations of claims 8 and

10, respectively.

Erekson does not teach where the authentication information includes biometric

information associated with the user.

In related art concerning dynamic logic control of network units in AD-HOC communications networks, Schaefer teaches where the authentication information includes biometric information associated with the user (column 3, lines 54-62; e.g., "biometric sources").

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Erekson's method for synchronizing managed data with Schaefer's biometric source in order to make the system authentication reliable.

5.   Claim 13-15, 17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erekson (Erekson, Rich; US Patent No.: 6,622,018 B1) in view of Hanson (Hanson et al.; US Pub. No.: 2002/0,098,840 A1).

Regarding claim 13, Erekson teaches all the limitations of claim 10.

Erekson does not specifically teach of presenting conflicting data based on the synchronization data to a user for reconciliation.

In related art concerning a method and apparatus for providing mobile and other intermittent connectivity in a computing environment, Hanson teaches of presenting conflicting data based on the synchronization data to a user for reconciliation (paragraph 061; where the conflicting data is presented to the user; e.g., "action is being denied").

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Erekson's method for synchronizing managed data with

Hanson's presenting conflicting data based on the synchronization data to a user in order allow the user to make modifications in the operations, as taught by Hanson.

Regarding claims 14 and 17, Erekson teaches of a system and computer readable storage medium (column 4, lines 6-9) for synchronizing managed data (column 1, lines 6-11), the system comprising: a mobile computing device having a wireless communication interface (column 6, lines 50-54) and a first storage medium for storing managed data (figure 2, item 104), the mobile computing device including a processor for running a synchronization client application (figure 2, item 101), where the synchronization server automatically establishes communication with the mobile computing device when the mobile computing device is within a predetermined area (column 4, lines 54-62; where Bluetooth technology functions within a predetermined area), automatically identifies the managed data on the mobile computing device (column 10, lines 48-52; e.g., "characteristics and capabilities"), and automatically transfers synchronization information via the synchronization server and client applications and the wireless communication interfaces to the synchronization (column 5, lines 15-20; where automatic synchronization is done in Bluetooth), the synchronization application reconciling differences between the managed data on the mobile computing device and the synchronization to synchronize the managed data (column 7, lines 53-60; e.g., "link mode negotiation and setup"); and transferring the reconciliation information from the second computing device to the first computing device to synchronize the managed data (column 7 and 8, lines 64-67 and 1-3, respectively; where the transceiver transfers the reconciliation information).

Erekson does not specifically teach of a synchronization server (paragraph 0023) having a wireless communication interface (paragraph 0005, lines 4-7) and a second storage medium for storing managed data (paragraph 0150), the synchronization server including a processor for running a synchronization server application (paragraph 0195, lines 1-3 and 1-12).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Erekson's method for synchronizing managed data with Hanson's server in order to change protocols according to the client's requests.

Regarding claim 15, Erekson in view of Hanson teaches all the limitations of claim 14. Erekson further teaches of means for uniquely identifying the mobile computing device (column 7, line 60); Hanson teaches where the synchronization server automatically transfers the synchronization information based on identity of the mobile computing device (paragraph 0141).

Regarding claim 19, Erekson in view of Hanson teaches all the limitations of claim 17. Erekson further teaches where the instructions for automatically identifying the managed data comprise instructions for authenticating the mobile computing device based on a hardware address (column 8, lines 44-50; where the MAC address is a hardware address).

Regarding claim 20, Erekson in view of Hanson teaches all the limitations of claim 17. Hanson further teaches of instructions for presenting conflicting data based on the synchronization data to a user for reconciliation (paragraph 061; where the conflicting data is presented to the user; e.g., "action is being denied").

6.   Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Erekson in view of Hanson as applied to claims 14 and 17 above, and further in

view of Schaefer.

Regarding claims 16 and 18, Erekson in view of Hanson teaches all the

limitations of claims 14 and 17.

Erekson does not teach of means for collecting biometric information associated

with a user of the mobile computing device where the authentication information

includes biometric information associated with the user; where the synchronization

server authenticates the biometric information before automatically transferring the

synchronization information.

In related art concerning dynamic logic control of network units in AD-HOC

communications networks, Schaefer teaches where the authentication information

includes biometric information associated with the user (column 3, lines 54-62; e.g.,

"biometric sources").

It would have been obvious to a one of ordinary skill in the art at the time the

invention was made to combine Erekson's method for synchronizing managed data with

Schaefer's biometric source in order to have a in order to make the system
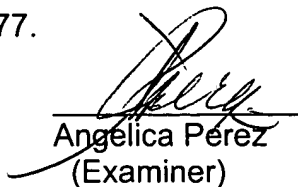
authentication reliable.

Conclusion

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Angelica Perez whose telephone number is 703-

305-8724. The examiner can normally be reached on 7:15 a.m. - 3:55 p.m., Monday -

Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for

the organization where this application or proceeding is assigned are 703-872-9314 for

regular communications and for After Final communications.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the TC 2600's customer service number is 703-306-

0377.

Angélica Pérez
(Examiner)

NAY MAUNG
SUPERVISORY PATENT EXAMINER
Art Unit 2684

July 12, 2004